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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,137	06/21/2005	Nohee Park	5184-0101PUS1	5350
2292 7590 06/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER OVEISSI, DAVID M				
ART UNIT 2616		PAPER NUMBER		
NOTIFICATION DATE 06/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/540,137

Applicant(s)

PARK ET AL.

Examiner

DAVID OVEISSI

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :04/29/2008, 02/20/2008, 07/11/2007, 6/21/2005.

DETAILED OFFICE ACTION

Claim Objection

Claims 11-12 are objected because the CMS acronym is not explained. It is suggested to elaborate the CMS acronym.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the framed message" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation vocoder is not "a full rate". The phrase "a full rate" is vague and indefinite.

Claim 7 recites the limitation "a good many" in line 17. The phrase "a good many" is vague and indefinite.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. (b) as being anticipated by **Herring**
(US 2002/0001317 A1).

For claim 1, 11, and 12 **Herring** teaches a method/mobile terminal used for a mobile communication system simultaneously providing multiple services through a wireless traffic channel (see abstract), the mobile terminal comprising:

a vocoder unit, which vocodes voice data with a variable rate (see Fig. 3 "30", and paragraph 53);

a multiplexing/de-multiplexing unit, which multiplexes or de-multiplexes at least one service of a voice service, a text services, and an image services (see abstract, Fig. 3 "40 & 50", and paragraph 53);

at least one CMS (concurrent multiple service) processing unit, which segments a message corresponding to the service and processes to-be-multiplexed transmitted data and de-multiplexed received data (see Fig. 3 "20 & 87", and paragraphs 53, 56);
and

a wireless modem unit, which transmits the framed message to a counterpart mobile terminal through a up-link wireless connection, and forms a multiplexed frame in

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a wireless matched format, and transmits and receives the multiplexed frame through a mobile communication network(see abstract, Fig. 3 "30", paragraphs 12, 16-30, and 53).

For claim 2 **Herring** teaches a mobile terminal, wherein the multiplexing/de-multiplexing unit comprises:

a CMS transmitting unit, which multiplexes the CMS data transferred by the CMS processing unit and a voice frame having a variable rate (see abstract and paragraphs 56, 63, and 68); and

a CMS receiving unit, which de-multiplexes a frame transferred by the wireless modem unit to extract the CMS data(see abstract and paragraphs 56, 63, and 68).

For claim 3 **Herring** teaches a mobile terminal, wherein the CMS transmitting unit comprises:

a memory, which stores the CMS data transferred by the CMS processing unit (see abstract and paragraph 56);

a voice frame inspecting unit, which inspects a state of the voice frame transferred by the vocoder unit; and

a frame generating unit, which multiplexes the voice frame and the CMS data to generate a single frame in accordance with the inspection result of the voice frame inspecting unit (see paragraphs 57, 58, 60, and 61).

For claim 4 **Herring** teaches a mobile terminal, wherein the frame generating unit generates the single frame including the CMS data when the variable rate of the voice frame transferred by the vocoder unit is not a full rate (see paragraphs 57, 58, and 60-61).

For claim 5 **Herring** teaches a mobile terminal, wherein the CMS receiving unit comprises: a CMS data checking/detecting unit, which checks whether or not the CMS data is included into a frame transferred by the wireless modem unit and detects the CMS data; and a memory, which stores the CMS data detected by the CMS data checking/detecting unit (see Fig. 3 "20 & 87 & 40").

For claim 6 **Herring** teaches a mobile terminal, wherein the CMS processing unit comprises:

a transmitting/receiving interfacing unit, which matches the mobile terminal with an external CMS data terminal (see Fig. 5 "310 & 220"); and

a CMS managing unit, which converts the CMS data transferred by the transmitting/receiving interfacing unit into a multiplexable CMS data to transfer the multiplexable CMS data to the multiplexing/de-multiplexing unit, or converts the CMS data stored in the multiplexing/de-multiplexing unit into a user-checkable CMS data to transfer the user-checkable CMS data to the transmitting/receiving interfacing unit (see Fig. 3 and paragraphs 19-21 and 39) .

For claim 7 **Herring** teaches a mobile terminal, wherein the CMS managing unit comprises: a data segmenting unit, which segments the CMS data transferred by the transmitting/receiving interfacing unit into a good many multiplexable CMS data segments; a data transferring unit, which outputs the segmented CMS data segments with a predetermined time period to the multiplexing/de-multiplexing unit, or fetches and outputs the CMS data stored in the multiplexing/de-multiplexing unit with a predetermined time period; and a data assembling unit, which assembles the CMS data transferred by the data transferring unit (see paragraphs 57, 63, and 67).

For claim 8 **Herring** teaches a mobile terminal, wherein the data segmenting unit and the data assembling unit further comprise their own memory for temporarily storing the segmented or assembled CMS data (see Fig. 3).

For claim 9 **Herring** teaches a mobile terminal, wherein the predetermined time period is equal to a frame transmitting period of the wireless traffic channel (see paragraphs 33, 37, 55, 60, 61, 65, 68, 82, and 89).

For claim 10 **Herring** teaches a mobile terminal, wherein the service includes at least one of a name card serve, an image service, and a file transfer service (see abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Fujno et al. (5,436, 8990 and Blakeney, II et al. (US 7,072,388 B2).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID OVEISSI whose telephone number is (571)270-3127. The examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Huy D. Vu/

Supervisory Patent Examiner, Art Unit 2616